

*Application No. 09/839342*  
*Page 7*

*Amendment*  
*Attorney Docket No. E14.2B-9321-US01*

**Remarks**

***Objection to the disclosure***

Page 21 (actually page 20) of the specification is objected to. Applicants have deleted the part of the paragraph which the Examiner finds objectionable. Applicants respectfully request that this objection be withdrawn.

***Claim Rejections***

***35 U.S.C. 112, first paragraph***

Claims 21-27 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that the claim(s) contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Office Action asserts that the applicants filed an amendment, which exclude dishware from hard surfaces, and that this negative limitation is not supported by the original disclosure.

The Office Action asserts that excluding dishware from hard surfaces is new matter.

Applicants disagree and assert that this is not new matter. Dishwashing was always distinctly separated from hard surface cleaning in the specification. Applicants have at no point during the prosecution of this application ever indicated that laundry cleaning and dishwashing were included within the term *hard surface* cleaning. Evidence of this can be found throughout the specification. Applicants make specific references to the following quotations found on page 11 of the specification.

In institutional settings the surfaces or substrates might include cookware such as dishes and utensils, textiles such as hospital gowns, sheets and curtains, hard surfaces such as floors, walls, beds, and countertops, and so forth.

Page 11, lines 12-15

The present invention may be utilized in any multi-step cleaning process that involves at least a pre-rinse and a main wash. Such multi-step cleaning processes may be used in laundry washing systems, dishwashing, warewashing, hard surface

**Application No. 09/839342**  
**Page 8**

**Amendment**  
**Attorney Docket No. E14.2B-9321-US01**

cleaning, heat transfer surface cleaning, clean-in-place systems, and so forth.  
Page 11, lines 18-21.

Claim 1, as originally filed, was directed to a method of removing gross soil from a substrate. This original claim, directed to a method of cleaning substrates generally, is seen to include the various applications listed separately throughout the specification.

Claim 21, as originally filed, on the other hand, was directed to a method of *hard surface* cleaning, and never intended to include all of the various applications listed throughout the specification.

Claim 1 was first amended in response to the rejections issued in the Office Action mailed 2/25/2003, one rejection based on 35 U.S.C. §12 that the claim was indefinite because it stated in the preamble that it was a multi-step cleaning process, and the other under 35 U.S.C. §102(b) that the claim was anticipated by the *laundry* cleaning of Ramachandran et al.

The Examiner then issued a restriction requirement asserting that claim 21, directed to a method of hard surface cleaning, was a different invention than that of claim 1, which as amended, is directed to a method of cleaning equipment.

Applicants traversed this restriction requirement. Applicants believe that the Examiner has been very inconsistent in the prosecution of this application and so pointed that out in the third paragraph on page 7 of the Amendment and Response mailed October 13, 2003, on the basis that the exclusion of cleaning equipment from hard surface cleaning, was inconsistent with the fact that the Examiner continues to include laundry and dishwashing under the umbrella of hard surface cleaning.

Applicants submit that within the scope of the present invention, all of these applications have in fact, been treated as separate types of cleaning methods, and that they would be throughout the art. For example, page 11 of the specification describes *clean-in-place systems*, laundry, dishwashing and hard surface cleaning (lines 18-21), *dairy equipment including pipelines* (lines 22-29), *heat exchangers, bulk tanks, automatic milking machines, pipelines, centrifuges* (lines 7-10), etc., etc. Applicants wish to note that this is only *one* example of such discussions which are found throughout the current specification. It is recognized in the art that clean-in-place systems are used for the cleaning of large scale equipment which is not easily

*Application No. 09/839342*  
*Page 9*

*Amendment*  
*Attorney Docket No. E14.2B-9321-US01*

disassembled.

Applicants submit that it is inconsistent to, on the one hand, include laundry and dishwashing as hard surface cleaning for the purposes of rejecting the claims of the present application, and on the other hand exclude cleaning equipment from hard surface cleaning for the purposes of searching. Applicants submit that these applications are recognized in the art as being independent of one another, and that the specification has separately categorized these applications. Applicants submit that if methods of cleaning laundry and dishwashing are included with hard surface cleaning, then cleaning equipment should also be included, or, they should all be recognized as independent, but that it cannot be both ways. Furthermore, Applicants submit that the clean-in-place systems, used for the cleaning large scale equipment such as that is dairies, breweries and so forth, would much more likely fall under the umbrella of hard surface cleaning, than would laundry and dishwashing.

Furthermore, evidence of the above was submitted in the Office Action mailed on November 12, 2203, page 7, see last paragraph, in the form of several issued U.S. patents. Applicants submitted then, and maintain, that dishwashing and laundry, are recognized in the art as distinct applications from hard surface cleaning. This evidence has been disregarded.

The exclusion of dishwashing from hard surface cleaning in the preamble of claim 21 is **not** new matter, that these two applications have been treated independently in the specification, and are recognized in the art as distinct and independent cleaning methods.

Based on the foregoing, Applicants submit that this amendment to claim 21 does not constitute new matter, and respectfully request withdrawal of the rejection of claim 21 under 35 U.S.C. §112, first paragraph, or in the alternative, that the following rejections under 35 U.S.C. §102(b), discussed below, be withdrawn.

***35 U.S.C. 102(b)***

Claims 21-23 and 25-26 have been rejected under 35 U.S.C. §102(b) as anticipated by Ramachandran et al. (4469605). The Office Action asserts that Ramachandran et al. teach a method for cleaning laundry using a heavy-duty liquid detergent, which can be used for pre-treating of badly soiled portions of items to be laundered. The Office Action asserts that, in reference to claims 21 and 23, the limitations are inherently met since Ramachandran et al.

*Application No. 09/839342*  
*Page 10*

*Amendment*  
*Attorney Docket No. E14.2B-9321-US01*

teach pre-treating laundry prior to washing in a washing machine, and that the steps are inherently met since a washing cycle would include a main wash followed by rinsing with water.

Applicants traverse the rejection.

Claim 21, as amended, and as previously discussed, is directed to an embodiment in which a first pre-rinse, is different that the compositions used to subsequently treat the hard surface.

Claim 21 is not anticipated by Ramachandran et al. first of all, because laundry cleaning is not the same as hard surface cleaning, and because these are two different applications, a rejection under 35 U.S.C. 102(b) cannot be maintained. Each and every element of the claim must be met and Ramachandran et al. is missing a most important element, i.e. hard surfaces.

Secondly, Ramachandran et al. describe using the laundry detergent both for pre-treating the substrate, and for washing it. It is the same composition, not a different composition as now found in claim 1 of the present specification. Claim 21 has been further amended to clarify this even further. The specification supports this amendment, particularly page 10 to the top of page 11. Applicants believed the previous claim already accomplished this. Claims 22-23 and 25-26 depend from claim 21 and are patentable for at least the reasons that claim 21 is patentable.

Applicants respectfully request withdrawal of the rejection of claims 21-23 and 25-26 as anticipated by Ramachandran et al.

**35 U.S.C. 103(a)**

Claims 21-27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Chun et al. (U.S. Patent No. 5,133,892). The Office Action asserts that Chun et al. teach a detergent for use in dishwashing. In reference to claims 21-23, the Office Action directs us to col. 7, lines 5-20. In reference to claim 24, the Office action asserts that Chun et al. teach 1000 ppm of the anionic polymer (col. 8, lines 5-10).

Applicants traverse the rejection.

**Application No. 09/839342**  
**Page 11**

**Amendment**  
**Attorney Docket No. E14.2B-9321-US01**

Applicants maintain their position set forth in the Amendment and Response filed August 12, 2003. Applicants are not, and have never, indicated that dishwashing detergents are not known. However, Chun et al. describe a multilayer table of which does not include a partially neutralized anionic polymer. Furthermore, as indicated in that same Amendment and Response, Chun et al. do not actually describe a pre-rinse, but rather a *rinse aid* which is used after the dishes have been washed, and as previously discussed, Chun et al., while generally mentioning the steps of dishwashing, fail to teach *any* specific pre-rinse composition.

Thus, Chun et al. fail to teach many of the elements found in claim 21 of the present application. Consequently, a rejection of claim 21 under 35 U.S.C. 103(a) cannot be maintained based on Chun et al. Claims 22-27 depend from claim 21 and are patentable for at least the reasons that claim 21 is patentable. Applicants respectfully request withdrawal of the rejection of claims 21-27 under 35 U.S.C. 103(a) as being obvious over Chun et al.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al. in view of Lange (Detergents and Cleaners; A Handbook for Formulators). The Office Action asserts that Ramachandran et al. fail to specifically teach the type of soil removed from the fabric, but that it would have been within the level of the skilled artisan to have applied the method of Ramachandran et al. for the removal of milk products since Ramachandran et al. teach a method of removing soils from laundry and many typical soil stains on laundry result from food and protein containing products such as mil, as conventionally shown in the art (Lange, pages 142-143).

Ramachandran et al. fail to teach the method of claim 21, directed to hard surface cleaning, as discussed above. Claim 27 depends from claim 21 and is patentable for at least the reasons that claim 21 is patentable.

*Application No. 09/839342*  
*Page 12*

*Amendment*  
*Attorney Docket No. E14.2B-9321-US01*

**CONCLUSION**

Claims 21-27 are pending in the application. Based on the foregoing, Applicants respectfully request reconsideration and an early allowance of the claims as presented. The claims are seen as either being in condition for allowance, or as being in condition for Appeal. A Notice of Appeal is enclosed herewith.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date:

*June 28, 2004*

By:

*Lisa R. Lindquist*  
Lisa R. Lindquist  
Registration No.: 43071

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

LRL/des  
FAWPWork\LRL\09321US01\_amd\_20040325.doc